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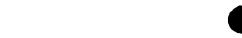


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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO | |
|---------------------------------|---------------------------|-----------------------|-------------------------|-----------------|--|
| 09/661,766 | 09/14/2000 | Colin Stephen Gormley | 5780 | 1331 | |
| , 7 : | 590 08/04/2003 | | | | |
| Samuels Gauthier & Stevens LLP | | | EXAMINER | | |
| 225 Franklin St Boston, MA 0 | treet Suitr 3300 02110 | | VU, QUANG D | | |
| | | | ART UNIT | PAPER NUMBER | |
| | | | 2811 | | |
| | | | DATE MAILED: 08/04/2003 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) | | | | | |
|--|--|--|---|--|--|--|--|
| Advisory Action | 09/661,766 | GORMLEY ET AL. | | | | | |
| Advisory Action | Examiner | Art Unit | | | | | |
| | Quang D Vu | 2811 | | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address | | | | | | | |
| THE REPLY FILED 07 July 2003 FAILS TO PLACE THIS Therefore, further action by the applicant is required to average rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appeal Examination (RCE) in compliance with 37 CFR 1.114. | oid abandonment of this application at the contract of this application at the contract of the | ition. A proper reply n places the applica | y to a tion in | | | | |
| PERIOD FOR RE | PLY [check either a) or b)] | | | | | | |
| a) The period for reply expires 3 months from the mailing date b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The ree have been filed is the date for purposes of determining the period of the under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Officimely filed, may reduce any earned patent term adjustment. See 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Officimely filed, may reduce any earned patent term adjustment. | Advisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF THE date on which the petition under 37 CFI of extension and the corresponding amount the shortened statutory period for reply the later than three months after the mail | g date of the final rejection. R 1.136(a) and the apprount of the fee. The appropriationally set in the final | on. See MPEP opriate extension opriate extension Office action; or | | | | |
| 1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFF | R 1.191(d)), to avoid dismissal o | | | | | | |
| 2. The proposed amendment(s) will not be entered be | ecause: | | | | | | |
| (a) they raise new issues that would require further | er consideration and/or search (s | see NOTE below); | | | | | |
| (b) ☐ they raise the issue of new matter (see Note below); | | | | | | | |
| (c) they are not deemed to place the application in issues for appeal; and/or | n better form for appeal by mate | rially reducing or sir | nplifying the | | | | |
| (d) they present additional claims without canceli | ng a corresponding number of fi | inally rejected claim | S. | | | | |
| NOTE: | | | | | | | |
| 3. Applicant's reply has overcome the following reject | tion(s): <u>claims 12 and 34</u> . | | | | | | |
| Newly proposed or amended claim(s) would canceling the non-allowable claim(s). | be allowable if submitted in a se | eparate, timely filed | amendment | | | | |
| 5.⊠ The a)□ affidavit, b)□ exhibit, or c)⊠ request for application in condition for allowance because: <u>Se</u> | | dered but does NO | T place the | | | | |
| 6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection. | ause it is not directed SOLELY t | o issues which were | e newly | | | | |
| 7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we | | | and an | | | | |
| The status of the claim(s) is (or will be) as follows: | | | | | | | |
| Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: | | | | | | | |
| 8. \square The proposed drawing correction filed on is | a) approved or b) disapp | roved by the Exami | ner. | | | | |
| 9. Note the attached Information Disclosure Statemen | nt(s)(PTO-1449) Paper No(s) | · | | | | | |
| 10. Other: | | PRIMARY EXA | MINER | | | | |
| | | | | | | | |



Continuation of 5. does NOT place the application in condition for allowance because: Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph for the reason in record paper #11.

Applicant's main arguments include: (A) The claimed subject matter "prior to bonding the second etch stop layer to the one of the second and third layers, patterning the second etch stop layer to define the component in the second ayer for facilitating etching of the second layer thrugh the third layer" is fully supported and enabled by the specification.

With respect to applicant's Argument A, it is noted that instant specification and the drawings (figures 8-11) only show that the second etch stop layer needs to be bonded to the second or third layer and then patterned to define the component. The second etch stop layer can not pattern by itself without any supporting of the second layer or third layer. And, the specification fails to adequately disclose how such a second etch stop layer can be patterned without being formed on the second layer first.